STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION

In the Matter of:	)	
PROPOSED AMENDMENT TO 20.6.2 NMAC (Copper Rule)	)	**No. WQCC 12-01(R)**

NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY ON BEHAL F OF FREEPORT-MCMORAN TYRONE INC., FREEPORT-MCMORAN CHINO MINES COMPANY AND FREEPORT-MCMORAN COBRE MINING COMPANY

Freeport-McMoRan Tyrone Inc., Freeport-McMoRan Chino Mines Company, and Freeport-McMoRan Cobre Mining Company (collectively, "Freeport") hereby submit this Notice of Intent to Present Technical Testimony on behalf Freeport pursuant to the Hearing Officer's Procedural Order dated November 21, 2012.

1. **Identify the person or entity for whom the witness(es) will testify.**

   The witnesses identified below will testify for Freeport.

2. **Identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background.**

   A. T. Neil Blandford is a technical witness who will testify regarding the portions of the proposed Copper Rule that apply to water quality monitoring at all mining facilities, operational and closure requirements for open pits, and seepage collection systems typically used to contain and remediate impacted ground water. His qualifications, educational background, and work history are included in his written testimony, which is attached.

   B. John Brack is a Freeport employee and technical witness who will testify regarding copper mining operations, copper mining in New Mexico, the importance of the adoption of detailed and specific rules for copper mining in New Mexico, the applications of copper products worldwide, the economic impact of copper mining in New Mexico, and the costs associated with all aspects

of copper mining. His qualifications, educational background, and work history are included in his written testimony, which is attached.

C. Timothy E. Eastep is a Freeport employee and technical witness who will testify regarding environmental statutes and regulations that apply to copper mining facilities and regarding the portions of the proposed Copper Rule that apply to discharges from copper mining facilities, fees, general application requirements for permits, application requirements for discharge permits for copper mining facilities, requirements for discharge permit amendment, setback requirements, requirements for pipelines and tanks, and requirements for truck equipment washing facilities. His qualifications, educational background, and work history are included in his written testimony, which is attached.

D. Jim B. Finley Jr. is a technical witness who will testify regarding the portions of the proposed Copper Rule that apply to waste rock stockpiles and open pits. His qualifications, educational background, and work history are included in his written testimony, which is attached.

E. Michael Grass is a technical witness who will testify regarding the portions of the proposed Copper Rule that apply to engineering design and operational requirements for process water and impacted storm water impoundments, leach stockpiles, and waste rock stockpiles. His qualifications, educational background, and work history are included in his written testimony, which is attached.

F. Lynn Lande is a Freeport employee and technical witness who will testify regarding the portions of the proposed Copper Rule that apply to the geology and operation of copper mines, operation of open pits, and requirements for open pits. Her qualifications, educational background, and work history are included in her written testimony, which is attached.

G. Lewis Munk is a technical witness who will testify regarding the portions of the proposed Copper Rule that apply to closure requirements for copper mining facilities, including cover and revegetation requirements. His qualifications, educational background, and work history are included in his written testimony, which is attached.

H. James C. Scott is a technical witness who will testify regarding the portions of the proposed Copper Rule that apply to tailings, tailing dam design, construction, operation, and closure, and mine rock stockpiles. His qualifications, educational background, and work history are included in his written testimony, which is attached.

I. Thomas L. Shelley is a Freeport employee and technical witness who will testify regarding the portions of the proposed Copper Rule that apply to closure, closure implementation, post-closure provisions, and design and operation requirements for copper mining facilities. His qualifications, educational background, and work history are included in his written testimony, which is attached.

3. Attach the full direct testimony of each technical witness, which shall include an express basis for all expert opinions offered.

Copies of each technical witness' full direct testimony is attached. Each technical witness may provide additional testimony at the hearing in response to direct testimony presented by any other party or as rebuttal testimony.

4. Include the text of any recommended modifications to the proposed regulatory change.

Proposed modifications to the proposed Copper Rule are shown below along with references to the direct testimony of each technical witness where the proposed changes is discussed:

Timothy E. Eastep Written Direct Testimony, page 28:

20.6.7.11 APPLICATION REQUIREMENTS FOR DISCHARGE PERMITS FOR A COPPER MINE FACILITY:

. . . .

C. Ownership and real property agreements.

(1) An application shall include the copper mine facility owner's name, title, mailing address and phone number.

(a) If more than one person has an ownership interest in the copper mine facility or a partnership exists, then the applicant shall list all persons having an ownership interest in the copper mine facility, including their names, titles, mailing addresses and telephone numbers.

(b) If any corporate entity holds an ownership interest in the copper mine facility, the applicant shall also list the name(s), as filed with the New Mexico public regulation commission, of the corporate entity, and the corporate entity's registered agent's name and address.

(2) If the applicant is not the owner of the privately-owned real property upon which the copper mine facility is or will be situated, or upon which the discharge will occur, the applicant shall submit the name, address and telephone number of the owner(s), and a notarized statement from the owner which authorizes the use of the real

property for the duration of the term of the requested permit. Other documentation may be provided to show authorization of use of publicly-owned real property.

Thomas L. Shelley Written Direct Testimony, page 51:

20.6.7.17 GENERAL ENGINEERING AND SURVEYING REQUIREMENTS:

. . . .

C. Engineering plans and specifications requirements. The following engineering plans and specifications and associated requirements shall be submitted to the department for approval with an application for a new, renewed or modified discharge permit, as applicable.

. . . .

(3) **Process water or impacted stormwater treatment system plans and specifications.** An applicant or permittee proposing or required to construct a treatment system for process water or impacted stormwater to be treated prior to discharge or for water collected and treated during closure or post-closure activities shall submit ~~detailed and complete construction~~ plans and specifications and supporting design calculations sufficient to provide a reasonable estimate of the costs to design, construct and operate the treatment system developed pursuant to this section and 20.6.7.18 NMAC.

Timothy E. Eastep Written Direct Testimony, pages 40-41:

20.6.7.23 REQUIREMENTS FOR NEW PIPELINES AND TANKS

A. Engineering design requirements. At a minimum, the following requirements shall be met in designing new pipeline or tank systems at copper mine facilities that contain process water or impacted stormwater unless the applicant or permittee can demonstrate that an alternate design will provide an equal or greater level of containment.

(1) **New Pipelines.** New pipelines shall:

. . . .

(c) for pipelines located outside of the open pit surface drainage area and outside an area authorized for discharge of process water, impacted stormwater or tailings, incorporate a mechanism of secondary containment to contain and control leaks and spills including berms, placement within or drainage toward areas authorized for discharge of the conveyed fluids, and impoundments that are constructed consistent with the requirements of Subsection D of 20.6.7.17.D NMAC, provided that the Department may approve a reduction in the requirements of 20.6.7.17.D NMAC for impoundments where spilled fluids will be removed from the impoundment in a timely manner.

Timothy E. Eastep Written Direct Testimony, page 43:

20.6.7.23 REQUIREMENTS FOR NEW PIPELINES AND TANKS

. . . .

C. Operational requirements. A permittee operating a pipeline or tank system shall operate the system pursuant to the following requirements, as applicable.

. . . .

(6) Existing pipelines that do not meet the engineering requirements of Subsection A of 20.6.7.23 shall be ~~tested~~ evaluated for integrity at least once every five years. A pipeline ~~testing~~ evaluation plan for such pipelines shall be included in an application for renewal of a discharge permit for a copper mine facility.

Timothy E. Eastep Written Direct Testimony page 46:

20.6.7.26 REQUIREMENTS FOR TRUCK AND EQUIPMENT WASHING FACILITIES

. . . .

B. Construction.

(1) **New ~~truck or equipment~~ wash facilities for trucks and equipment.** Construction of new truck or equipment wash facility shall be performed in accordance with the applicable engineering requirements of Subsection A of 20.6.7.26 NMAC and 20.6.7.17 NMAC.

(2) **Existing ~~truck and equipment~~ wash facilities for trucks and equipment.** A truck or equipment wash facility in existence on the effective date of the copper mine rule and located outside of the open pit surface drainage area shall meet the design requirements of Subsection A of 20.6.7.26 NMAC within one year of the approval of a discharge permit renewal pursuant to the copper mine rule.

T. Neil Blandford Written Direct Testimony, pages 13-16.

20.6.7.28 WATER QUALITY MONITORING REQUIREMENTS FOR ALL COPPER MINE FACILITIES: The following water quality monitoring requirements apply to all copper mine facilities unless otherwise specified.

. . . .

G. Ground water sampling and reporting - routine. A permittee shall collect ground water samples quarterly, or a reduced frequency approved by the department pursuant to Subsection H of this Section, from all monitoring wells specified in a discharge permit and required by Subsection A of this Section and 20.6.7.30 NMAC and any other location specified in the discharge permit or record and report any reason for being unable to collect a sample. A permittee shall also collect water samples quarterly from all springs and seeps on a copper mine facility that flow during the quarter. Samples shall be analyzed for ~~dissolved concentrations of arsenic, cadmium, chromium, fluoride, lead, selenium, uranium, chloride, copper, iron, manganese, sulfate, total dissolved solids, zinc, pH, aluminum, cobalt, nickel, alkalinity-bicarbonate, alkalinity-carbonate, calcium, magnesium, sodium, and potassium,~~ constituents listed in 20.6.2.3103 as specified in a discharge permit and selected based on the concentrations of constituents in solutions and geochemical characteristics of materials present in the potential source to be monitored and other relevant information and for specified field parameters. Samples shall be collected pursuant to Subsection B of 20.6.7.29 NMAC. A permittee shall submit to the department in the semi-annual monitoring reports the depth to ground water, the field parameter measurements, the parameter stabilization log (if applicable), the analytical results (including the laboratory quality assurance and quality control summary report) and a map showing the location and number of each well in relation to the contamination source it is intended to monitor.

Thomas L. Shelley Written Direct Testimony, pages 48-49:

20.6.7.30 CONTINGENCY REQUIREMENTS FOR COPPER MINE FACILITIES:

. . . .

J. Erosion of cover system or compromised stormwater conveyance structure, ponding of stormwater, or other conditions. Within 24 hours of discovery, a permittee shall report to the department any evidence of significant erosion of a cover system required by 20.6.7.33 NMAC or compromise of a stormwater conveyance structure; any significant ponding of stormwater on the cover system; or any other condition that may significantly compromise the cover system or stormwater conveyance structure. Within 15 days of the reported discovery, the permittee shall submit to the department a corrective action plan describing any actions taken or proposed to be taken to repair the damage or condition. Within 30 days of receipt, the department shall respond to the proposed corrective action plan. Repairs to the cover system or stormwater conveyance structure shall be completed consistent with the applicable requirements of 20.6.7.33 NMAC. The corrective action plan shall include a schedule for implementation. ~~The schedule shall propose completion within one year from the submittal date of the initial corrective action plan. Within 30 days of the date of postal notice of the department's approval of the corrective action plan, the permittee shall initiate implementation of the plan.~~

K. Water management and water treatment system failure. Within 24 hours of discovery, a permittee shall report to the department any significant failure of a water management or water treatment system constructed and operated pursuant to 20.6.7.33 NMAC or any condition that may cause a significant failure of the water treatment system. Within 15 days of the reported discovery, the permittee shall submit to the department a corrective action plan describing any actions taken or proposed to be taken to repair the damage or condition. Within 30 days of receipt, the department shall respond to the proposed corrective action plan. Repairs to the water treatment system shall be completed consistent with the applicable requirements of 20.6.7.33 NMAC. The corrective action plan shall include a schedule for implementation. ~~The schedule shall propose completion within one year from the submittal date of the initial corrective action plan. Within 30 days of the date of postal notice of the department's approval of the corrective action plan, the permittee shall initiate implementation of the plan.~~

Thomas L. Shelley Written Direct Testimony, page 17 and James C. Scott Written Direct Testimony, page 24:

Alternative 1:

~~**B. Slope stability.** At closure, tailing impoundment(s) not regulated by the office of the state engineer, leach stockpile(s) or waste rock stockpile(s) shall be constructed to promote the long-term stability of the structure. Closure of all critical structures at a copper mine facility shall be designed for a long-term static factor of safety of 1.5 or greater and non-critical structures shall be designed for a long-term static factor of safety of 1.3 or greater. The facilities being closed shall also be designed for a factor of safety of 1.1 or greater under pseudostatic analysis. A stability analysis shall be conducted for the facility that shall include evaluation for static and seismic induced liquefaction.~~

Alternative 2 (Shelley):

B. Slope stability. At closure, tailing impoundment(s) not regulated by the office of the state engineer, leach stockpile(s) or waste rock stockpile(s) shall be constructed to promote the long-term stability of the structure. Closure of all critical structures at a copper mine facility shall be designed for a long-term static factor of safety of 1.5 or greater and non-critical structures shall be designed for a long-term static factor of safety of 1.3 or greater. The facilities being closed shall also be designed for a factor of safety of 1.1 or greater under pseudostatic analysis for critical structures and 1.0 for non-critical structures. A stability analysis shall be conducted for the facility that shall include evaluation for static and seismic induced liquefaction.

5. Identify and attach all exhibits to be offered by the person at the hearing.

A list of Exhibits is set forth below and copies are included as attachments to this NOI:

EXHIBIT	DESCRIPTION
EXHIBIT BLANDFORD - 1	Curriculum Vitae of Neil Blandford
EXHIBIT BLANDFORD - 2	Water Table Contour Maps; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 3	Upgradient and Downgradient Monitor Wells – Pond; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 4	Upgradient and Downgradient Monitor Wells – Mine-Related Source; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 5	Groundwater Flow to Open Pit; Daniel B. Stephens & Associates, Inc. (Designation D5092-04)
EXHIBIT BLANDFORD - 6	ASTM - Standard Practice for Design and Installation of Ground Water Monitoring Wells
EXHIBIT BLANDFORD - 7	U.S. Environmental Protection Agency – Science and Ecosystem Support Division, Guidance - Design and Installation of Monitoring Wells
EXHIBIT BLANDFORD - 8	US Army Corp of Engineers – Monitoring Well Design, Installation, and Documentation at Hazardous, Toxic, and Radioactive Waste Sites
EXHIBIT BLANDFORD - 9	Generalized Table of Sources and Relative Mobility in Groundwater for Selected Constituents Identified in Copper Rule Section 20.6.7.28(G) NMAC
EXHIBIT BLANDFORD - 10	Discharge Permit Renewal and Modification Freeport-McMoRan Tyrone Inc., DP-286, No. 3 Leach System, 5A Waste Rock Pile and Mill Site, Feb. 26, 2010
EXHIBIT BLANDFORD - 11	Copper Concentrations in Upgradient and Downgradient Tyrone Mine Monitor Wells
EXHIBIT BLANDFORD - 12	Area of Hydrologic Containment; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 13	Hydrologic Evaporative Sink and Flow-Through Pit Cross-Section; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 14	Pit Water Cross-Section Diagram; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 15	Surface Water Flow Cross-Section; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 16	Groundwater Flow Cross-Section; Daniel B. Stephens & Associates, Inc.

EXHIBIT	DESCRIPTION
EXHIBIT BLANDFORD - 17	Open Pit Surface Drainage Area Cross-Section; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 18	Extraction Well to Contain Impacted Water Diagram; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 19	Tyrone Mine Tailing Area Water Quality Map
EXHIBIT BLANDFORD - 20	Perched Seepage Collection Systems Cross-Section; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 21	Tailing Impoundment Seepage Conceptual Model Diagram;
EXHIBIT BLANDFORD - 22	Perched and Regional Seepage Collection Systems Diagram; Daniel B. Stephens & Associates, Inc. cross-section; Daniel B. Stephens & Associates, Inc.
EXHIBIT BLANDFORD - 23	Tailing Impoundment Seepage Collection System Diagram
EXHIBIT BRACK - 1	Curriculum Vitae of John Brack
EXHIBIT BRACK - 2	Securities and Exchange Commission Form 10-K for Freeport-McMoRan Copper & Gold Inc. for Fiscal Year Ended December 31, 2011
EXHIBIT BRACK - 3	Economic Impact Upon the Economy of Grant County and New Mexico – 2011; Prepared by Freeport-McMoRan Copper & Gold Inc.
EXHIBIT BRACK - 4	Video by Mining, Metallurgy and Exploration, Inc. (Not available until February 25, 2013 and will be supplemented under separate cover)
EXHIBIT BRACK - 5	Copper Essential for Green; Stephen T. Higgins, Freeport-McMoRan Copper & Gold Inc. (May 12, 2010)
EXHIBIT BRACK - 6	Annual Data 2012 Copper Supply & Consumption – 1991-2011; Copper Development Association Inc.
EXHIBIT BRACK - 7	USGS Copper Statistics Information, Mineral Commodity Summaries 2013; Daniel L. Edelstein
EXHIBIT BRACK - 8	New Mexico Mining and Minerals Division, 2011 Annual Report
EXHIBIT EASTEP – 1	

EXHIBIT	DESCRIPTION
	Curriculum Vitae of Timothy E. Eastep
EXHIBIT FINLEY - 1	Curriculum Vitae of Jim B. Finley, Jr.
EXHIBIT FINLEY - 2	Geochemistry of Acid Mine Waters – Chapter 6; D. Kirk Nordstrom and C.M. Alpers, U.S. Geological Survey
EXHIBIT FINLEY - 3	GardGuide, Sections 2.4, 4.3, 5.3, 5.4 – Acid Rock Drainage
EXHIBIT FINLEY - 4	Static-Test Methods Most Commonly Used to Predict Acid-Mine Drainage; Practical Guidelines for Use and Interpretation – Chapter 15; W.W. White, III, K.A. Lapakko, and R.L. Cox, U.S. Department of the Interior, Research Center, Bureau of Mines
EXHIBIT FINLEY - 5	The Carbonate System and pH Control – Chapter 4
EXHIBIT FINLEY - 6	Part II: Characteristics and Classifications - Hydrologic Characteristics and Classifications of Pit Lakes; W.L. Niccoli
EXHIBIT GRASS - 1	Curriculum Vitae of Michael Grass
EXHIBIT GRASS - 2	Copper Leach Facilities Presentation to Technical Committee; Golder Associates
EXHIBIT GRASS - 3	Technical Guidance Document: Quality Assurance and Quality Control for Waste Containment Facilities; David E. Daniel, University of Texas at Austin, and Robert M. Koerner, Geosynthetic Research Institute
EXHIBIT GRASS - 4	Waste Rock Stockpiles and Design Criteria Concerns Presentation to Technical and Advisory Committee by Freeport-McMoRan; Golder Associates
EXHIBIT LANDE - 1	Curriculum Vitae of Lynn Lande
EXHIBIT LANDE - 2	Potential for Laramide Porphyry Copper Deposits

EXHIBIT	DESCRIPTION
	in Southwestern New Mexico, New Mexico Geological Society Guidebook
EXHIBIT LANDE - 3	Copper in New Mexico, New Mexico Geology Science and Service
EXHIBIT LANDE - 4	Preliminary Model of Porphyry Copper Deposits: U.S. Department of the Interior and U.S. Geological Survey Open-File Report
EXHIBIT LANDE - 5	Formation of Porphyry Copper Deposit: Department of Geology, ASU, Figure
EXHIBIT LANDE - 6	Tyrone Mine: NMBGMR Tour
EXHIBIT LANDE - 7	Freeport-McMoRan Copper & Gold, Water in Mining Operations Video
EXHIBIT MUNK - 1	Curriculum Vitae of Lewis Munk
EXHIBIT MUNK - 2	EPA Fact Sheet on Evapotranspiration Cover Systems for Waste Containment
EXHIBIT SCOTT - A	Curriculum Vitae of James C. Scott
EXHIBIT SCOTT - B-1	Tailing Dam Design, Construction, and Operation Technical Committee Presentation, Copper Rules Advisory Committee (May 3, 2012)
EXHIBIT SCOTT - B-2	Closure Discussion Tailing Dams and Mine Rock Stockpiles
EXHIBIT SCOTT - C	NMOSE Regulations
EXHIBIT SCOTT - D	Bibliography – Tailing Dam Design, Construction, Operation, and closure
EXHIBIT SCOTT - D-1	Arizona Department of Environmental Quality (ADEQ). 2004. Arizona Mining Guidance Manual BADCT. Publication # TB 04-01
EXHIBIT SCOTT - D-2	Association of State Dam Safety Officials (ASDSO). 2000. Utah Dam Safety Program. July
EXHIBIT SCOTT - D-3	Australian National Committee on Large Dams (ANCOLD). 2012. Guidelines on Tailings Dams Planning, Design, Construction, Operation and Closure. May. 78 pp.
EXHIBIT SCOTT - D-4	British Columbia Ministry of Energy, Mines and Petroleum Resources. Mining and Minerals Division. 2009. "Guide to Processing a Mine Project Application Under The British Columbia

EXHIBIT	DESCRIPTION
	Mines Act." January. 80 pp.
EXHIBIT SCOTT - D-5	"Geotechnical Evaluations for Tailings Impoundments." Proceedings of the Eighth Regional Conference for Africa on Soil Mechanics and Foundation Engineering. Harare. pp. 433-442; Caldwell, J.A. and Stevenson, C. 1984
EXHIBIT SCOTT - D-6	"Regulation of Dams and Tailings Dams in Canada." Proceedings CDA Annual Conference. Niagara Falls, ON, Canada. October 2-7. 15 pp.; Campbell, Paul et al. 2010
EXHIBIT SCOTT - D-7	Pit Slope Manual. Chapter 9 – Waste Embankments. CANMET Report 77-01. January. 137 pp.; Canada Centre for Mineral and Energy Technology (CANMET). 1977
EXHIBIT SCOTT - D-8	"Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal and Designated Mining Operations." September 30. 190 pp.; Colorado Division of Reclamation, Mining and Safety (DRMS). 2010
EXHIBIT SCOTT - D-9	"Overview of International Mine Closure Guidelines." Proceedings of the 2008 Meeting of the American Institute of Professional Geologists, Arizona Hydrological Society, and 3rd International Professional Geology Conference. Flagstaff, Arizona. September 20-24. 9 pp.; Garcia, D.H. 2008
EXHIBIT SCOTT - D-10	"Designing For Tailing Disposal in the Southwest." Mining Engineering. Vol. XI. July. pp. 691-693; Given, E.V. 1959
EXHIBIT SCOTT - D-11	Tailings Dams Safety - Guidelines. Bulletin 74; International Commission on Large Dams (ICOLD). 1989
EXHIBIT SCOTT - D-12	Tailings Dams Design of Drainage – Review and Recommendations. Bulletin 97; International Commission on Large Dams (ICOLD). 1994
EXHIBIT SCOTT - D-13	A Guide to Tailings Dams and Impoundments: Design, Construction, Use and Rehabilitation. Bulletin 106; International Commission on Large Dams (ICOLD) and United Nations Environment Programme (UNEP). 1996
EXHIBIT SCOTT - D-14	Improving Tailings Dam Safety: Critical Aspects

EXHIBIT	DESCRIPTION
	of Management, Design, Operation and Closure. Bulletin 139; International Commission on Large Dams (ICOLD). 2011
EXHIBIT SCOTT - D-15	"Development and Review of Surveillance Programs for Tailings Dams." Tailings Dams 2000 Proceedings. Association of State Dam Safety Officials. Las Vegas. March; Martin, T.E. and Davies, M.P. 2000
EXHIBIT SCOTT - D-16	Engineering and Design Manual – Coal Refuse Disposal Facilities. Second Edition. May; Mine Safety and Health Administration (MSHA). 2009
EXHIBIT SCOTT - D-17	A Guide to the Management of Tailings Facilities. Second Edition. Ottawa. 68 pp; Mining Association of Canada (MAC). 2011
EXHIBIT SCOTT - D-18	Developing an Operation, Maintenance and Surveillance Manual for Tailings and Water Management Facilities. Ottawa. 52 pp.; Mining Association of Canada (MAC). 2011
EXHIBIT SCOTT - D-19	"A Dam Owner's Guidance Manual – New Mexico Edition." March. 119 pp.; New Mexico Office of the State Engineer. 1989
EXHIBIT SCOTT - D-20	"Geotechnical Investigation and Analyses for Dams." August 15. 12 pp.; New Mexico Office of the State Engineer. 2008
EXHIBIT SCOTT - D-21	"Operation and Maintenance Manual for Dams." October 23. 5 pp.; New Mexico Office of the State Engineer. 2008
EXHIBIT SCOTT - D-22	"Rules and Regulations Governing Dam Design, Construction and Dam Safety." December 31. 25 pp.; New Mexico Office of the State Engineer. 2010
EXHIBIT SCOTT - D-23	Project Submittal Checklist. March 25; New Mexico Office of the State Engineer. 2011
EXHIBIT SCOTT - D-24	"Emergency Action Plans for Dams." March 29. 8 pp.; New Mexico Office of the State Engineer. 2011
EXHIBIT SCOTT - D-25	"Advantages and Limitations of the Observational Method in Applied Soil Mechanics. 9th Rankine Lecture. Geotechnique. Vol. 19. No. 2. pp. 171-187; Peck, R.B. 1969
EXHIBIT SCOTT - D-26	"Physical Aspects of Waste Storage From a Hypothetical Open Pit Porphyry Copper Operation." USGS Open-File Report 03-143.

EXHIBIT	DESCRIPTION
	64 pp.; Porter, K.E. and Bleiwas, D.I. 2003
EXHIBIT SCOTT - D-27	"Design Guide for Metal and Nonmetal Tailings Disposal." U.S. Bureau of Mines. Information Circular IC 8755. 136 pp; Soderberg, R.L. and Busch, R.A. 1977
EXHIBIT SCOTT - D-28	Mine Tailings Impoundment Structures. October. 39 pp.; State of Idaho Department of Water Resources. 1980
EXHIBIT SCOTT - D-29	"Pore Water Pressure Conditions in Tailing Dams." Proceedings Hydraulic Fill Structures. ASCE. Fort Collins, Colorado. August 15-18. pp. 924-939; Stauffer, P.A. and Obermeyer, J.R. 1988
EXHIBIT SCOTT - D-30	"Surface Mining Water Diversion Manual." OSM/TR-82/2. Prepared by Simons, Li & Associates, Inc. September; U.S. Department Of The Interior. Office of Surface Mining (OSM). 1982
EXHIBIT SCOTT - D-31	Planning, Design, and Analysis of Tailings Dams. BiTech Publishers Ltd. Vancouver, B.C. 369 pp.; Vick, S. 1990
EXHIBIT SCOTT - D-32	"1997 Interim Revisions to the Standard Specifications for Highway Bridges." p. 115; American Association of State Highway and Transportation Officials (AASHTO). 1996
EXHIBIT SCOTT - D-33	Arizona Mining Guidance Manual BADCT. Publication #04-01; Arizona Department of Environmental Quality (ADEQ). 2004
EXHIBIT SCOTT - D-34	"Shear Strength of Rockfill." Journal of the Geotechnical Engineering Division. ASCE. Vol. 107. No. GT7. July. pp. 873-891; Barton, N. and Kjaernsli, B. 1981
EXHIBIT SCOTT - D-35	"Shear Strength of Rockfill, Interfaces and Rock Joints, and Their Points of Contact in Rock Dump Design." Rock Dumps 2008. Proceedings of the First International Seminar on the Management of Rock Dumps, Stockpiles and Heap Leach Pads. Perth. March 5-6. pp. 3-17; Barton, N.R. 2008
EXHIBIT SCOTT - D-36	"Mined Rock and Overburden Piles, Operation and Monitoring Manual, Interim Guidelines." Prepared by Klohn Leonoff Ltd. May; British Columbia Mine Dump Committee. 1991
EXHIBIT SCOTT - D-37	"Mined Rock and Overburden Piles, Investigation

EXHIBIT	DESCRIPTION
	and Design Manual, Interim Guidelines." Prepared by Piteau Associates Engineering Ltd. May; British Columbia Mine Dump Committee. 1991
EXHIBIT SCOTT - D-38	"Review of Shearing Strength of Rockfill." Journal of the Soil Mechanics and Foundation Division. ASCE. Vol. 96. No. SM4. pp. 1159-1170; Leps, T.M. 1970
EXHIBIT SCOTT - D-39	"Closeout Plan Guidelines for Existing Mines." April 30. 18 pp.; New Mexico Energy, Minerals and Natural Resources Department. Mining Act Reclamation Bureau. 1996
EXHIBIT SCOTT - D-40	New Mexico Mining Act Rules. February 15. 124 pp; New Mexico Mining Commission. 1996
EXHIBIT SCOTT - D-41	U.S. Environmental Protection Agency (USEPA). 1995. "The Design and Operation of Waste Rock Piles at Noncoal Mines." July. 53 pp.
EXHIBIT SCOTT - D-42	"Geotechnical Site Investigation." Workshop on Design of Non-Impounding Mine Waste Dumps. SME. November. pp. 31-34; Welsh, J.D. 1981
EXHIBIT SCOTT – D-43	"Assessment of Embankment Parameters." Proceedings Slope Stability in Surface Mining. SME. Denver, CO. pp. 275-284; Williams, D.J. 2000
EXHIBIT SCOTT - E	Discharge Permit Renewal and Modification – Chino Mines Company, DP-484, Tailing Pond 7, January 14, 2005
EXHIBIT SHELLEY - 1	Curriculum Vitae of Thomas L. Shelley
EXHIBIT SHELLEY - 2	Supplemental Re-issue of Discharge Permit for closure, Phelps Dodge Tyrone, Inc., DP-1341
EXHIBIT SHELLEY - 3	Supplemental Discharge Permit for Closure, Chino Mines Company, DP-1340 – Fee Assessment Reminder
EXHIBIT SHELLEY - 4	Supplemental discharge Permit for Closure, DP-1403
EXHIBIT SHELLEY – 5-1	Tyrone – First Amendment to Settlement Agreement and Stipulated Final Order
EXHIBIT SHELLEY – 5-2	First Amendment to Settlement Agreement and Stipulated Final Order
EXHIBIT SHELLEY - 6	USDOL MSHA Engineering and Design Manual; D'Appolonia Engineering 1975

EXHIBIT	DESCRIPTION
EXHIBIT SHELLEY - 7	USDOI Surface Mining Water Diversion Design Manual; U.S. Department of the Interior, Office of Surface Mining, by Simons, Li & Associates, Inc.

WHEREFORE, Freeport respectfully requests that the Water Quality Control Commission accept this Notice of Intent to Present Technical Testimony on behalf of Freeport.

Respectfully Submitted,

GALLAGHER & KENNEDY, P.A.

Dalva L. Moellenberg
Anthony (T.J.) J. Trujillo
1233 Paseo de Peralta
Santa Fe, NM 87501
Phone: (505) 982-9523
Fax: (505) 983-8160
DLM@gknet.com
AJT@gknet.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing pleading was hand-delivered to the following parties on February 22, 2013:

Andrew Knight and Kathryn Becker
Assistant General Counsel
New Mexico Environment Department
PO Box 5469
Santa Fe, NM 87502-5469

Louis Rose
Montgomery & Andrews, P.A.
P.O. Box 2307
Santa Fe, New Mexico 87504-2307

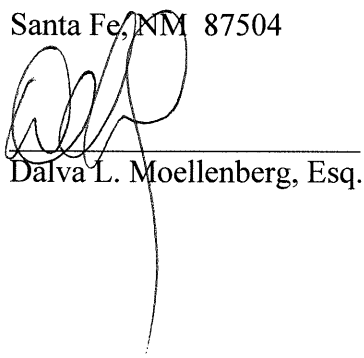
Bruce Frederick
Staff Attorney
New Mexico Environmental Law Center
1405 Luisa Street, #5
Santa Fe, NM 87505-4074

Jon J. Indall
Comeau, Maldegen, Templeman & Indall LLP
P.O. Box 669
Santa Fe, New Mexico 87504-0669

Tracy Hughes
High Desert Energy + Environment Law Partners, LLC
P.O. Box 8201
Santa Fe, NM 87504

Sean Cunniff
Office of the Attorney General
Civil Division
P.O. Box 1508
Santa Fe, NM 87504

Tannis L. Fox
Assistant Attorney General
Water, Environmental and Utilities Division
Office of the New Mexico Attorney General
PO Box 1508
Santa Fe, NM 87504



Dalva L. Moellenberg, Esq.